

# HOUSE . . . . . No. 576

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Gloria L. Fox**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to establish election day registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gloria L. Fox	7th Suffolk
Geraldo Alicea	6th Worcester
Willie Mae Allen	6th Suffolk
Cory Atkins	14th Middlesex
Ruth B. Balser	12th Middlesex
Michael Brady	9th Plymouth
Katherine Clark	32nd Middlesex
Steven J. D'Amico	4th Bristol
Christopher J. Donelan	2nd Franklin
Mark V. Falzone	9th Essex
Sean Garballey	23rd Middlesex
William G. Greene, Jr.	22nd Middlesex
Patricia A. Haddad	5th Bristol
Jonathan Hecht	29th Middlesex
Jay R. Kaufman	15th Middlesex
Kay Khan	11th Middlesex
Peter v. Kocot	1st Hampshire
Paul Kujawski	8th Worcester
Stephen Kulik	1st Franklin

William Lantigua	16th Essex
David P. Linsky	5th Middlesex
Barbara A. L'Italien	18th Essex
Elizabeth A. Malia	11th Suffolk
Charles A. Murphy	21st Middlesex
James J. O'Day	14th Worcester District
Denise Provost	27th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Tom Sannicandro	7th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Frank I. Smizik	15th Norfolk
Marie P. St. Fleur	5th Suffolk
Thomas M. Stanley	9th Middlesex
David B. Sullivan	6th Bristol
Gale D. Candaras	First Hampden and Hampshire
Sonia Chang-Díaz	Second Suffolk
Benjamin B. Downing	Berkshire, Hampshire and Franklin
James B. Eldridge	Middlesex and Worcester
Susan C. Fargo	Third Middlesex
Patricia D. Jehlen	Second Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Anthony W. Petruccelli	First Suffolk and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO ESTABLISH ELECTION DAY REGISTRATION.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make to provide for election day registration for citizens of the Commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official Edition, is  
2 hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A  
3 person otherwise qualified to vote for national or state officers shall not, by reason of a change of  
4 residence within the commonwealth, be disqualified from voting for such national or state officers in the  
5 city or town from which he has removed his residence until the expiration of 6 months from such  
6 removal, provided further, that a person having changed his residence shall be eligible to register under  
7 section 34A..

8 SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after the  
9 word, "registration" in lines 7 and 16, the following words:- , or in accordance with the provisions of  
10 section 34A.

11 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 9  
12 and 10, the words “eight o’clock in the evening” and inserting in place thereof, in each instance, the  
13 following figure:- 5:00 pm.

14 SECTION 4. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and  
15 inserting in place thereof the following section:-

16 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the last day  
17 for registration prescribed under section 26. For those towns having less than 1,500 voters, such session  
18 shall be sufficient if it includes the time from 9:00 until 11:00 am and from 2:00 until 5:00 pm.

19 SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the  
20 2006 Official Edition, and inserting in place thereof the following section:-

21 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which  
22 registration is to cease, the registrars shall not register any person to vote in the next election, except that  
23 they shall furnish, or cause to be furnished, to each person waiting in line at the hour of 5:00 pm for the  
24 purpose of being registered, a card or slip of identification bearing such person’s name and shall, before  
25 registration ceases, permit such person to register. The registrars may, however, enter or correct on the  
26 registers the names of persons who have registered as voters between December 31<sup>st</sup> preceding and the  
27 close of registration.

28 SECTION 6. Said chapter 51 is hereby further amended by inserting after section 34 the following  
29 section:-

30 Section 34A. (a) An individual who is eligible to vote may register on the day of an election by  
31 appearing in person at the polling place, during the hours it is open for voting, for the precinct in which  
32 the individual maintains residence, by completing a registration application in a form prescribed by the  
33 state secretary which complies with identity requirements of 42 U.S.C. section 15483, by presenting to

the appropriate election official proof of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship or otherwise prohibited from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have read and understand this statement: I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.

(b) For purposes of this section, the term “proof of residence” shall mean 1 of the following, so long as it includes the name of the applicant and the address from which he or she is registering:

(i) a valid photo identification including, but not limited to, a Massachusetts’ driver’s license or other state-issued identification card; or

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement , wireless telephone statement, paycheck, other government document or correspondence , a current student fee statement or other document from a post-secondary educational institution that verifies the student’s current address.

(c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the making of an oath sufficient to support registration, the ballot clerk or his designee shall permit the applicant to vote on the day of an election and the registrar or his or her designee shall place the applicant’s name and address on the annual register of voters as soon as reasonably practicable following the date of the election as prescribed by the state secretary. Any person who registers to vote on the day of an election in accordance with this section shall, absent disqualification, be registered to vote at all subsequent primaries and elections.

(d) The state secretary shall make available, to the election officers, to the extent possible, at each polling place, access to the central registry of voters set forth in section 47C. For the purposes of

58 this section, a printed copy of all voters registered to vote in that precinct as of the last day of the  
59 registration period, as required by sections 55 and 60, shall be sufficient.

60 (e) This section shall not apply to an individual seeking to register to vote in any town for the  
61 purposes of voting at annual town meeting or special town meeting.

62 (f) A registered voter shall not re-register on the day of an election for the exclusive purpose of  
63 altering his party affiliation.

64 (g) The state secretary shall adopt regulations to implement the relevant provisions of this  
65 chapter.

66 (h) Upon credible information or allegation of illegal voter registration, or credible information or  
67 allegation of illegal multiple voting, there shall be an investigation upon the merits of said information or  
68 allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in  
69 which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection shall  
70 be construed as excluding enforcement of this section by any means otherwise provided by law.

71 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

72 SECTION 7. There shall be an advisory committee on the implementation of election day registration.

73 Among other issues it may consider, the advisory committee shall study the resources necessary for, costs  
74 associated with, and feasibility of providing every polling location with real-time electronic access to the  
75 central registry of voters. The advisory committee shall be comprised of the secretary of state, or a  
76 designee, who shall chair the advisory committee, the attorney general, or a designee, the house and  
77 senate chairs of the joint committee on election laws, or their designees, 2 representatives of the  
78 Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under  
79 5,000 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory  
80 committee shall complete its study on the implementation of election day registration and submit an

81 interim report and recommendations for improving administration of election day registration, in writing,  
82 to the joint committee on election laws and the senate and house committees on ways and means on or  
83 before June 30, 2011, and the advisory committee shall submit its final report in writing to the joint  
84 committee on election laws and the senate and house committees on ways and means on or before June  
85 30, 2013.